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List of issues in relation to the initial report of Bahrain

Addendum

Replies of Bahrain to the list of issues*

[Date received: 22 February 2018]

* The present document is being issued without formal editing.

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List of issues in relation to the initial report of Bahrain

Constitutional and legal framework within which the Covenant is implemented

1. Bahrain acceded to the International Covenant on Civil and Political Rights under Act No. 56 of 2006, which was published in the Official Gazette on 16 August 2006. As a consequence, the Covenant has force of law, its provisions must be duly applied, all parties — including the authorities of State — are required to abide by its provisions and it may be directly invoked before domestic courts.

2. Agreements and treaties acquire force of law after they have been concluded, ratified and published in the Official Gazette, whereby they attain the same legal status as domestic legislation. This takes place in accordance with article 37 of the Constitution, which defines the relationship between international treaties and the national legislation of the Kingdom of Bahrain. Since the International Covenant on Civil and Political Rights is closely related to the rights and duties enshrined in article 18 of the Constitution, it also enjoys constitutional protection and no law negating the rights it enshrines is admissible. This is consistent with article 31 of the Constitution, which states that any regulation or limitation of the public rights enshrined in the Constitution may not prejudice the essence of the right or freedom in question.

3. One of the chief instances in which the Constitutional Court of Bahrain applied the provisions of the International Covenant on Civil and Political Rights was in a decision it issued in relation to a royal referral registered in the Court's record under No. IHM/1/2014, judicial year 12. On that occasion, the Constitutional Court concluded that article 20 of a traffic regulation bill was inconsistent with the Constitution because it banned foreigners from obtaining a driving licence or from driving mechanised vehicles. In reaching that conclusion, the Court cited a number of legal references, including article 12 (1) and article 26 of the Covenant. The reasoning of the decision stated: "Since the Kingdom of Bahrain has acceded to the United Nations International Covenant on Civil and Political Rights, and that accession was ratified on 12 August 2006 with the issuance of Act No. 56 of 2006 and its publication in the Official Gazette No. 2752 of 16 August 2006, it goes without saying that the expressions 'everyone' and 'persons' as they appear in the aforesaid article 12 (1) and article 26 refer to all persons and not just to those who possess the status of being a citizen."

4. In its ruling in case No. TH/2011/1, the Constitutional Court cited article 4 (1) of the Covenant and, on the basis of article 4 (3) of the Covenant, on 28 April 2011 Bahrain informed the Secretary-General of the United Nations that it was availing itself of the right of derogation envisaged under article 4 (1). On 13 June 2011, Bahrain informed the Secretary-General of Royal Decree No. 39 of 2011, which lifted the state of national emergency.

5. Decree-Law No. 20 of 2016 was issued to amend certain provisions of Act No. 26 of 2014 on the creation of the National Institution for Human Rights. It includes a number of changes the aim of which is to integrate the provisions of the Act with the comments thereon made by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) in its report on compliance with the Paris Principles. Under the amendments, which relate to the mechanism for selecting members of the Board of Commissioners of the National Institution for Human Rights, membership is to be drawn from consultative and academic institutes, civil society institutions, trade unions, social and economic bodies, and human rights defenders, with appropriate representation of women and minority groups. Members may be taken from the legislature on condition that they do not represent a majority of the Board and that, although they may participate in discussions, they do not have the right to vote.

6. On 16 July 2015, the National Institution for Human Rights submitted an official request to the GANHRI Subcommittee on Accreditation, which considers and reviews applications for accreditation from national human rights institutions. The request was

formally accepted on 25 November 2015 and the date of 9 May 2016 was scheduled for the examination of the application, during the official meeting of the Subcommittee. The Subcommittee asked the National Institution for Human Rights to submit a statement of compliance with the Paris Principles, which covers a number of points that relate to the establishment, independence, composition, organizational infrastructure, working methods and general competence and responsibilities of the Institution, and its relationship with relevant human rights stakeholders and other bodies.

7. In the light of the information provided by the National Institution for Human Rights and the discussions between the Board of Commissioners and the Subcommittee, the latter officially issued its final report and recommendations on 2 August 2016, giving the Institution a B classification.[1]

8. On 6 October 2016, His Majesty the King issued Decree-Law No. 20 of 2016, which amended certain provisions of Act No. 26 of 2014[2] on the creation of the National Institution for Human Rights in line with the recommendations made by the GANHRI Subcommittee on Accreditation. The aim was to strengthen the National Institution, give it greater powers to achieve the goals for which it had been established and raise its international classification thereby embodying the commitment of Bahrain to protecting human rights.

9. Between 2013 and 2016, the National Institution has fulfilled its requirement to issue annual reports, in line with article 21 of its Act of establishment.[3] Each report includes a chapter on the Institution's activities in the promotion and protection of human rights, and another on the main issues arising during the period that had a direct impact on the human rights situation. The reports also include advisory opinions submitted by the National Institution for Human Rights to the State authorities and the extent of the latter's compliance with international human rights treaties.

10. Some of the Institution's main activities revolve around education and the dissemination of a human rights culture across various media. This includes producing printed materials and educational brochures, organizing seminars and lectures and signing memorandums of understanding with civil society institutions, specifically with regard to civil and political rights. The Institution has also printed a number of international and regional human rights treaties in both Arabic and English. Its most important publication is a pocket book[4] with a preface introducing the genesis and formation of civil and political rights followed by the full text of the International Covenant on Civil and Political Rights and, finally, the two Optional Protocols to the Covenant. The aim is to raise awareness about the rights and freedom enshrined in the Covenant among the public at large so as to promote and protect human rights in general, reinforce human rights values and propagate a culture that helps to guarantee the exercise of human rights.

11. The Institution has also produced the "Human Rights Culture Series" in collaboration with the Centre for Constitutional and Legal Studies of the University of Bahrain and a number of researchers and stakeholders in the field both from Bahrain and elsewhere. The aim is to publish a number of academic and legal texts on human rights and to throw light on some of the principal aspects of the International Covenant on Civil and Political Rights.

12. In addition, the National Institution for Human Rights has produced a questionnaire to be used when attending court sessions in order to verify guarantees of a fair trial. The questionnaire covers the most important aspects of such guarantees, in accordance with national, regional and international human rights standards.

13. At the government level, the Supreme Coordinating Committee is responsible for drawing up a national human rights plan and for preparing responses to statements and queries relating to human rights presented by organizations and associations both inside and

[1] http://www.nihr.org.bh/.

[2] Act No. 26 of 2014 on the creation of the National Institution for Human Rights as amended by Decree-Law No. 20 of 2016.

[3] Annual reports of the Institution in Arabic and English (http://www.nihr.org.bh/).

[4] NIHR publications in Arabic and English (http://www.nihr.org.bh/).

outside Bahrain. The Committee also follows up on the implementation of human rights recommendations, submits the relevant periodic reports and undertakes studies into the compatibility of national law with the human rights treaties to which Bahrain has acceded. For its part, the National Institution for Human Rights has legal personality, enjoys economic and administrative independence and operates in line with the Paris Principles.

14. The National Institution has run workshops and organized seminars and lectures to provide education and training. Moreover, between 2013 and 2017, various newspaper articles were published relating to the rights enshrined in the Covenant with a view to making the public at large better aware of their civil and political rights.

III. State of emergency

15. Out of a desire to ensure the progress and advancement of Bahrain and to develop the country's political system in such a way as to bring greater democracy within the context of the National Consensus Dialogue, the King has requested certain constitutional amendments, in line with article 35 (a) of the Constitution. The aim of the amendments is to increase the influence of the parliamentary system within government, to reorganize and balance the relationship between the executive and the legislature, and to reorganize the Consultative Council and the Council of Representatives in such a way as to give a greater role to the latter and ensure the optimal selection of members of both houses.

16. On 9 May 2016, it was announced that the implementation of the recommendations made by the Bahrain Independent Commission of Inquiry had been completed. Bahrain had, in fact, made an undertaking to implement those recommendations, thereby confirming its commitment to adhere to and protect basic human rights principles. Measures taken in that regard include:

(a) Decree No. 27 of 2012 concerning the establishment of the independent Office of the Ombudsman within the Ministry of the Interior, as amended;

(b) Also under Decree No. 27 of 2012, the creation of an internal auditing and investigation department within the Ministry of the Interior;

(c) Decree No. 24 of 2014 of the Minister of the Interior promulgating the basic principles on the use of force and firearms;

(d) Decree No. 14 of 2012 of the Minister of the Interior promulgating the Police Code of Conduct;

(e) Decree No. 8 of 2012 of the Public Prosecutor, which envisaged the creation of a special investigation unit within the Office of the Public Prosecution.

IV. Non-discrimination, equality between men and women and the rights of minorities

17. At their twenty-eighth meeting held in Saudi Arabia on 5 October 2016, ministers of justice from States of the Cooperation Council for the Arab States of the Gulf (GCC) decided to appoint a committee of heads of departments with responsibility for international relations and cooperation in ministries of justice to draw up a unified draft law to combat extremism, racism, hatred and discrimination.

18. In the wake of that decision, a draft of the law was drawn up, article 1 of which contained definitions of the terms used in the body of the document. For example, the draft defines discrimination as any distinction, exception, restriction or preference based on race, colour, sex, language, religion, political views, social origins, wealth, birth or any other condition, with the aim of obstructing the recognition of the human rights guaranteed by law, or the enjoyment or exercise of those rights on a basis of equality.

19. The draft defines racism as discrimination against an individual or group on the basis of sex, race, tribe, clan, religion, sect, belief or skin colour in such a way as to cause harm to others.

20. The draft law includes integrated procedural and substantive regulations that meet the requirements and standards for the protection of the right to equality and the elimination of other manifestations and forms of racial discrimination.

21. In 2015, the Government of Bahrain drafted a bill "to combat discrimination and hatred". It contains the following definition of discrimination: "Any distinction, restriction, exception or preference between individuals or groups based on religion, belief, religious school, confessional community, sect, race, origin or ethnicity". The text also envisages criminal penalties for any discriminatory acts under that definition.

22. The National Strategy for the Rights of Persons with Disabilities aims to forge Bahraini society on the basis of the principle of integration; a society in which citizens with disabilities can exercise all their rights in a fair and equal manner. The Strategy is aimed at persons with disabilities, their families and all parties concerned with disability services. Its primary focus is on persons with disabilities and it places responsibility for their integration on the shoulders of Bahraini society as a whole. In addition, the Strategy adopts a human rights-based approach that is rooted in the principles enshrined in the Charter of the United Nations as well as in international treaties and conventions, particularly the Convention on the Rights of Persons with Disabilities. It also pursues a capacity-building methodology in respect of target groups, on the one hand helping them to claim their own rights and, on the other, enabling government institutions to fulfil their obligation under the Convention to change the societal perception of persons with disabilities. The entire document adopts a rights-based perspective of disability and embraces gender principles in all aspects.

23. With regard to the civil status of women, the Family Code No. 19 of 2017, issued on 19 July 2017, is a comprehensive law governing relations within the family. It replaces the Family Code of 2009 and includes provisions to unify the legal status of Bahraini families. It also facilitates legal action and eliminates the disparities that had arisen in judgments on similar cases.

24. The Family Code of 2017, which contains 141 articles rooted in the provisions of Islamic sharia, regulates family life from engagement to marriage. It clearly sets forth the rights and duties of both parties with respect to maintenance, custody, parentage, guardianship, proof of parentage, separation if marital life comes to an end, divorce proceedings and the rights and duties that arise following separation. The Code also includes clear provisions that admit divorce on grounds of harm of any kind and termination of married life via *khul'* or annulment of contract.

25. Bahraini legislators have also incorporated rules regarding polygamy into the Family Code. Husbands are required to declare their marital status in the marriage contract and, if a man is already married, he must state the number of wives he has (article 19 of the Family Code). In that way the woman knows before she marries whether the man already has a wife, in which case she often declines to marry him. In addition, the wife may stipulate in the marriage contract her right to divorce if her husband marries someone else, or impose the condition that the man cannot marry another (article 6 of the Family Code).

26. Early marriage is not common in Bahrain and the truth is that most girls do not marry before the age of 24. Moreover, the law does not allow a girl to be married off if she is under the age of 16. This is a general principle, and exceptions are subject to a number of restrictions: firstly, a request must be made by the parties concerned; secondly, permission must be obtained from the competent family courts; and thirdly, the court licence must be accompanied by proof that the match is appropriate. The Family Code sets marriageable age at 16 for both girls and boys. In addition, the list of legally authorized persons under Decree No. 1 of 2016 (which is applied to both religious denominations) stipulates in article 12 that, for the contract to be finalized, the spouses — both male and female — must be at least 16 years of age at the moment it is signed.

27. Under the Family Code, the wife may apply to the courts for a divorce pleading harm of a nature that precludes conjugal cohabitation, or on the grounds that the husband is not meeting his financial obligations, is absent, has left her or is in prison. The law also grants women the right to a *khul'* divorce upon payment of a sum to the husband, usually equivalent to the dowry. In the case of a *khul'* divorce, the wife retains the custody of her children since she is, in any case, entitled to renounce custody when she chooses.

28. Custody is granted to the mother in accordance with article 124 of the Family Code: "According to Sunni jurisprudence, women's right to custody ends over males at 15 years of age and over females when they enter into and consummate marriage." According to the jurisprudence of Al-Jaafari, the mother's custody, over both son and daughter, ends when they reach the age of 7; after that age custody passes to the father. Article 125 of the Family Code states as follows: "(1) According to Sunni jurisprudence, if the male reaches 15 years of age or the female reaches 17 years of age and has not entered into and consummated marriage, either of them may join the parent of their choosing or the person with the right to exercise custody. (2) According to the jurisprudence of Al-Jaafari, the female has the right to join the parent of her choosing when she reaches the age of 9 and the male when he reaches the age of 15, when they come of age."

29. Bahraini law guarantees women the right to property in all forms and enshrines the principle of the wife's independent right to ownership, separate from her husband's right. The husband is not entitled to dispose of, benefit from or use his wife's money except by her will and consent. Nor may the wife's assets be used to cancel the husband's debt.

30. Decree-Law No. 22 of 2015 was issued to amend certain provisions of the Code of Family Court Procedure, which was promulgated pursuant to Decree-Law No. 26 of 1986. Also, the Minister of Justice and Islamic Affairs issued Decree No. 84 of 2015 regarding the formation of the Family Reconciliation Office; according to the Decree, family disputes must be submitted to that Office before being referred to the courts. These laws have contributed to family stability by opening the way for women to reach amicable settlements in disputes with their husbands, thereby helping them come to agreement on economic and other issues or find ways to bury their differences and reconcile.

31. The Family Code is applicable only to Muslims. Non-Muslims are subject to the provisions of their respective religions, or to the laws of their own country in the case of non-Bahrainis.

32. Further significant legislative amendments in this regard include those affecting the Court of Cassation Act (Decree-Law No. 23 of 2015) and the Judiciary Act. They opened the way for appeals before the Court of Cassation against judgments issued by sharia courts and brought more oversight and transparency to judicial procedures and judgments. The promulgation of the Family Code in 2017 provided additional opportunities to guarantee rights and ensure justice.

33. The Constitution and laws of Bahrain have, in general, eliminated all discrimination against women, including in labour legislation. The Constitution and the law empower women and accord them certain privileges. In fact, article 5 (b) of the Constitution reads: "The State shall reconcile women's duties towards their family, their work in society and their equality with men in all fields of political, social, cultural and economic life, without prejudice to the provisions of Islamic sharia." Article 9 of the Private Sector Labour Code states: "Under identical working conditions, all provisions regulating the employment of workers are also applied to female workers without discrimination." This article clearly shows that sexual discrimination is prohibited.

34. Women are covered by all the protection and privileges enshrined in the Private Sector Labour Code of 2012. The new law also grants women certain additional privileges, including the following:

(a) Women may be employed to work during the day or the night, with the exception of certain night-time occupations, in line with international labour standards that prohibit discrimination between men and women in this regard;

(b) Paid maternity leave has been increased to 60 days from 45 days, which is what it was under the previous law;

(c) A working woman may obtain unpaid leave to care for a child up to the age of 6 for up to six months three times during the duration of her employment. This form of leave is new as it was not envisaged under the previous law;

(d) The law includes provision for bereavement leave of 1 month with full wages plus an additional 3 months and 10 days deductible from the worker's balance of annual

leave; if she does not have a leave balance, she may take the leave unpaid. This form of leave is new and aims to achieve equality between female workers in the government and private sectors.

35. The participation of Bahraini women in the private sector, as a proportion of all Bahraini workers in that sector, rose to 33 per cent in 2017, while the average wages of a Bahraini woman in the private sector went up from 465 Bahraini dinars (BD) in 2011 to BD 521 in the second quarter of 2016. Moreover, as of August 2016, 39 per cent of individual businesses were registered to women.[5]

36. In 2014, four women were successfully elected to the administrative board of the Bahrain Chamber of Commerce and Industry, where they represent 22 per cent. Women have also become involved in fields of work in which they were not previously represented including taxi driving, driving instruction and jewellery design. Furthermore, according to indicators, female participation in both State-run and private education stands at 50 per cent.

37. In 2017, the proportion of female participation in the government sector stood at 53 per cent and in the private sector at 33 per cent. In 2016, 40 per cent of executive positions in the government sector were held by Bahraini women.

38. Article 31 of the Private Sector Labour Code states: "After consulting the parties concerned, the Minister shall issue a decree defining the jobs in which women may not be employed."

39. In order to preserve the physiological health of women, especially when pregnant, certain provisions regulating the work of women have been introduced, the purpose of which is to protect them during pregnancy and motherhood. In that regard, the Minister of Labour issued Decree No. 32 of 2013 defining the jobs in which women may not be employed. The Decree identifies two categories of employment: firstly, jobs that are incompatible with the physiology of women and, secondly, jobs in which pregnant women may not be employed in order to protect the well-being of both the woman and the foetus. These provisions are in line with the relevant international standards and treaties.

40. This arrangement is accepted and supported by the Bahrain Chamber of Commerce and Industry and by workers' federations. Moreover no complaints have been received from the female segment of the workforce claiming discrimination or denial of employment on the basis of those provisions.

41. In the public sector, neither the Civil Service Act nor its implementing regulations include any restrictions prohibiting the employment of women in specific posts. However article 26 (2) of the implementing regulations of the Civil Service Act promulgated by Decree-Law No. 48 of 2010, issued pursuant to Prime Ministerial Decree No. 51 of 2012, does contain a restriction on the employment of women at night. The text in question states: "Women may not be employed in any government-run industrial project, or any branch thereof, between the hours of 8 p.m. and 7 a.m., save under exceptional circumstances to be determined by the Bureau on the Nocturnal Work of Women.

42. No trials have been conducted on the basis of gender identity or homosexual behaviour, but they would be if such acts were to take place in public, where they would constitute the offence of a scandalous act offending public decency (article 350 of the Criminal Code), or indulging in an immoral practice without remuneration (article 326 of the Criminal Code), or indecent assault, if engaged in against the will of the victim (article 346 of the Criminal Code).

Violence against women, including domestic violence (arts. 2, 3, 6, 7 and 26)

43. Act No. 17 of 2015 defines domestic violence in the following terms: "Any act of abuse that occurs within the family setting and that is perpetrated by 'the aggressor' against 'the victim'."

[5] Website of the Supreme Council for Women https://www.scw.bh

44. The following acts are considered to constitute domestic violence:

(a) Physical abuse: attacking the physical integrity of the victim by any means;

(b) Psychological abuse: any act that causes psychological harm to the victim, including insults and slander;

(c) Sexual abuse: according to the Act, this involves any of the following actions by the aggressor towards the victim:

- Sexual assault, or the coercion or exploitation of the victim, using any means, to satisfy the sexual desires of the aggressor or of a third party;
- Exposing the victim to sexual materials or sexualized behaviour;

(d) Economic abuse: any act that deprives the victim of the right or freedom to dispose of personal assets, in such a way as to cause harm to the victim.

45. Under the Act, the Office of the Public Prosecution may issue a protection order, either on its own volition or at the request of the victim. In such a case, the aggressor shall be required:

(a) Not to interfere with the victim;

(b) Not to approach protected areas or any location stated in the protection order;

(c) Not to damage the personal property of the victim of any member of the family;

(d) To allow the victim to, or the victim's representative, to take possession of personal belongings.

46. The Act states that the protection order issued by the Office of the Public Prosecution shall last for a maximum of one month. If the order is broken or violated by the aggressor, the Act also allows for it to be renewed by a lower criminal court for a period not exceeding 3 months. In addition, the Act states that anyone violating a protection order shall be liable to a term of imprisonment of up to 1 month and/or to a fine of up to BD 100. If the violation of the protection order involves violence against anyone covered by the provisions of the Act, the perpetrator shall be liable to a term of imprisonment of up to … and/or to a fine of up to BD 200. These penalties are without prejudice to any more severe punishment that may be contained in the Criminal Code or in any other law.

47. There is one shelter for victims of domestic violence.

48. Information and complaints about domestic violence are collected via police stations and the Ministry of Labour and Social Development. The shelter for victims of domestic violence (Dar al-Aman), which belongs to the Ministry of Labour and Social Development, handled a number of cases of physical, psychological and sexual violence as well providing emergency shelter, dealing with a total of 1,812 cases from 2007 to December 2017.

49. The Ministry of Labour and Social Development, through its Dar al-Aman shelter, supports female victims of domestic violence and helps them to obtain their rights via the courts or through family counselling centres.

50. The Office of the Public Prosecution works to implement Domestic Violence Act No. 17 of 2015, as well as taking measures to protect victims. A special prosecution service, namely the Family and Child Prosecution Department, is mandated to pursue domestic violence cases. Prosecution staff have received training in the form of lectures and they have participated in training seminars run in collaboration with the Institute for Judicial and Legal Studies and the Supreme Council for Women.

51. Table showing statistics on cases of domestic violence between 1 January 2016 and 22 January 2018.

		Cases referred for trial				
	No. of cases	*Criminal order*	*Examined by the court*	*Judged*	*No. of defendants in all cases*	*No. of defendants convicted*
Violence between spouses	2 918	306	85	109	2 885	367
Violence between parents and children	479	36	20	37	492	66
Violence between siblings	310	46	13	25	344	68

52. On the basis of letter No. A/55/2017 dated 31 January 2017 from the secretary of the Council of Ministers, the legislature began drafting a bill to repeal article 353 of the Criminal Code, which included provisions waiving punishment. Letter No. 135 T/270/2017 dated 6 February 2017 was subsequently sent to the Deputy Prime Minister and Head of the Ministerial Committee for Legal Affairs. Article 1 of the bill states: "Article 353 of the Criminal Code, issued pursuant to Decree-Law No. 15 of 1976, is hereby repealed."

Voluntary termination of pregnancy and maternal health (arts. 3, 6, 7, 17 and 26)

53. Articles 321-323 of the Criminal Code envisage termination of pregnancy under medical supervision, while the regulations governing the medical profession admit the possibility of performing abortions if necessary to save the life of the mother.

54. The Criminal Code regulates the offence of abortion under articles 321-323, which states as follows:

(a) Article 321: "Any person self-inducing a termination of pregnancy without the advice and knowledge of a physician shall be liable to a term of imprisonment of up to 6 months or a fine of up to BD 50";

(b) Article 322: "Any person who practises a termination of pregnancy on a woman without her consent shall be liable to a term of imprisonment of up to 10 years. Imprisonment shall be imposed if the termination of pregnancy results in the victim's death";

(c) Article 323: "Attempted termination of pregnancy shall not be penalized";

(d) The purpose of these provisions is to ensure that termination of pregnancy is legal if practised with the advice and knowledge of a doctor and with the consent of the woman concerned.

Counter-terrorism and the right to privacy (arts. 9, 14 and 17)

55. The definition of terrorism in Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism clearly defines the legal criteria and material circumstances that must subsist in order for the definition of terrorism to be fulfilled.

56. Article 1 of the Act includes a definition of terrorism and of the material acts that constitute terrorism, covering both purposes and effects. In fact, article 1 of Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism describes terrorism in the following terms: "The use or threat of use of force, or of any other unlawful means that constitute an offence punishable by law, to which a perpetrator resorts in order to put into effect an individual or collective criminal enterprise for the purpose of infringing public order, endangering the safety and security of Bahrain, undermining national unity or threatening the security of the international community, if such action causes harm to persons, spreads fear and terror, imperils life, freedom and security, damages the environment, public health, the national economy, public facilities and property or prevents

them from operating, or prevents or hinders government departments, places of worship or educational institutions from performing their functions."

57. This definition distinguishes between terrorist crimes and ordinary crimes, which are covered by the Criminal Code and other criminal laws.

58. Freedom to form associations and trade unions, and freedom of expression, are enshrined among the core provisions of the Constitution. They stand as constitutional rights being guaranteed and protected under the Constitution and, as a general principle, legislators may not regulate them except through legal instruments duly enacted by the legislature, in addition to certain other restrictions.

59. As regards the authority of law enforcement officials to arrest suspects for a period of up to 28 days, the Public Prosecution Office for Terrorist Crimes may request a detention order from the Attorney-General or his deputy for a period or consecutive periods amounting to a total of no more than 6 months. Legislators have regulated those matters with a body of rules to protect human rights and freedoms and to prevent any violations.

60. Bahrain is eager to play its part, both locally and internationally, to combat the increasing threat of terrorism, which has been seen in events across the world. With the approval of an overwhelming majority of members of the Council of Representatives and of the Consultative Council, amendments were introduced to article 105 (b) of the Constitution, which states: "The law shall regulate the military courts and define their jurisdiction over the Bahrain Defence Force, the National Guard and the Public Security Forces." Subsequently, Act No. 12 of 2017 was issued amending certain provisions of the Military Courts Act and defining the offences for which civilians may be tried before military courts as: grave and deliberate offences committed by civilians against the Bahrain Defence Force and the National Guard and which affect those corps' facilities, installations, units or interests. The Act also allows the military courts to refer any of the cases that now fall within its jurisdiction under the aforementioned provisions to the civilian courts or to any other competent judicial body.

61. At the same time, the Act establishes the general principle that the ordinary judiciary is to deal with offences falling under the Act on the Protection of Society from Acts of Terrorism and with any other offence affecting the internal or external security of the State, as set forth in parts I and II of chapter 1 of the special section of the Criminal Code, and with other associated offences. Only exceptionally does the Office of the Public Prosecution — which is a component part of the judiciary, entirely independent of the executive — seek the approval of the military courts to refer the case to them.

62. Procedures for the consideration of cases before military courts incorporate fair trial guarantees in accordance with international standards.

63. Nothing in Act No. 58 of 2006, as amended, including its article 26, is inconsistent with articles 9 and 14 of the International Covenant on Civil and Political Rights. In fact, it is in line with that treaty, particularly as the Act deals with terrorist offences for which, in view of their gravity and specificity, legislators have designated a special prosecutor.

64. Table showing the number of persons detained and prosecuted under the Act since 2011:

Persons tried for terrorist offences between 2011 and 25 January 2018

Number of persons convicted	7 460
Number of persons acquitted	1 574

Right to life (arts. 6 and 14)

65. Although Bahraini law provides for the imposition of the death penalty, that penalty is only applied for extremely serious offences, such as premeditated murder and certain forms of high treason.

66. Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism envisages the death penalty for any offence punishable by life imprisonment under common law if that offence is perpetrated for the purposes of terrorism. The death penalty is also imposed for certain offences stipulated in Act No. 15 of 2007 on Narcotic Drugs and Psychotropic Substances as those offences represent a grave danger to society, people and the economy.

67. Article 260 of the Code of Criminal Procedure stipulates that a court may hand down a death sentence only by consensus.

68. The courts hand down very few death sentences in Bahrain, as the law allows judges to choose between the death penalty or deprivation of liberty, or to commute the sentence to a lesser punishment.

69. The following national legal standards exist on the appropriate use of force and firearms by law enforcement and security forces:

(a) Decree No. 24 of 2014 of the Minister of the Interior promulgating the basic principles on the use of force and firearms;

(b) Act No. 18 of 2014 promulgating the Reform and Correctional Facilities Act;

(c) Article 59: "Force may not be used against inmates and persons held on remand except where necessary to prevent acts of violence or attempts to escape, or to overcome resistance or failure to comply with orders";

(d) Article 60: "Restraints may not be used on inmates and persons held on remand except for a period of more than one week, as follows:

- In cases of revolt, disturbance, insurrection, violence or disorder;
- If inmates attempt or plan to escape, or if there are reasonably founded fears that they may do so, until such time as that situation ends;
- If inmates attempt to harm themselves or others, or the property of others;
- As necessary in other cases that might lead to a disturbance of order and security either inside or outside the institution";

(e) Article 61: "Arms may not be used against inmates except as follows:

- Against any form of attack or resistance accompanied by the use of force, if other means cannot be used;
- To sedate revolt by the inmates if they are armed with lethal weapons, which they refuse to surrender when ordered to do so;
- To prevent the escape of inmates if that cannot be prevented by any other means";

(a) Article 62: "Arms may not be used in the circumstances envisaged in article 61 of the present law except by order of the Minister or the Minister's delegate and upon the following conditions: that the use of arms is necessary and proportionate to the immediate danger; that it is a means of averting that danger; that measures are taken to ascertain that it serves to prevent the persons against whom the arms are employed from attacking, opposing resistance or escaping; that warning shots are first fired into the air whenever possible and that, thereafter, efforts be made to avoid lethal impact";

(b) Decree No. 131 of 2015 of the Minister of the Interior promulgating the implementing regulations of the Reform and Correctional Facilities Act, promulgated by Act No. 18 of 2014.

70. Article 70: "Physical violence may not be used against inmates and persons held on remand except as follows:

- In cases of violence, revolt, disturbance or insurrection;
- Escape attempts;
- To subdue resistance;

- Failure to follow orders."

71. Article 71: "Restraints may not for any reason be used for a period of more than seven days. The director of an institution or the director's deputy may order that inmates or persons held on remand be restrained as a precautionary measure until they can be referred to the disciplinary committee, as follows:

(a) If the inmate or remand prisoner is involved in insurrection, violence or disorder;

(b) If the inmate or remand prisoner attempts or plans to escape, or if there are reasonably founded fears that they may do so;

(c) If the inmate or remand prisoner attempts to harm themselves or others;

(d) In other cases where the administration of the institution believes it to be necessary in order to maintain order and security either internally or externally."

72. Article 72: "Arms may not be used against inmates or persons held on remand except as follows:

(a) Against any form of attack or resistance on the part of inmates or persons held on remand accompanied by the use of force, if other means cannot be used;

(b) To sedate revolt on the part of inmates or persons held on remand if they are armed with lethal weapons, which they refuse to surrender when ordered to do so;

(c) To sedate revolt on the part of inmates or persons held on remand if it is not possible to do so in any other way."

73. Article 73: "Arms may not be used in the circumstances envisaged in article 72 of the present regulations except by order of the Minister or the Minister's deputy. The use of arms must be proportionate to the immediate danger and necessary in order to prevent the inmates or persons held on remand from attacking, opposing resistance or escaping. The use of arms must be the only means to avert the danger, once it has been ascertained to exist. Warning shots must be first fired into the air whenever possible and, thereafter, efforts made to avoid lethal impact."

74. In all cases, due consideration must be given to other rules and regulations concerning the use of firearms, as set forth in Decree No. 24 of 2014 promulgating the basic principles on the use of force and firearms.

75. Decree No. 14 of 2012 of the Minister of the Interior promulgating the Police Code of Conduct requires police officers to use force in accordance with Bahraini law and in line with international standards that define when and how force may be used.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 7 and 9)

76. Any complaint received by the Office of the Ombudsman, whatever allegations it may contain, including of torture and ill-treatment, is dealt with professionally and investigated carefully and impartially, even if it is clear from the outset that the complaint does not fall within the jurisdiction of the Ombudsman. This is because the Office's working methods do not allow a complaint to be excluded by the first investigator to examine it. Quite the contrary, complaints are thoroughly examined in all aspects, the submitting party is duly questioned about details relating to the grievance and the investigation then proceeds on the basis of the preliminary findings.

77. Investigating mechanisms and methods are subject to the provisions set forth in the decree establishing the Office, and investigators have received appropriate training. The measures they can take include interviewing complainants and persons who claim to have suffered harm as a result of a misdeed; identifying and interviewing witnesses; summoning defendants and hearing their statements; and visiting and searching reform and correctional facilities and remand centres to collect evidence and conduct interviews. Such visits take place without prior notice.

78. Between 2013 and 2017, the Office of the Ombudsman referred a total of 153 complaints to the special investigation unit, including allegations of torture or other cruel, inhuman or degrading treatment or punishment.

79. Since it was created, the special investigation unit has received 561 allegations of torture and 839 allegations of ill-treatment and excessive use of force by members of the Public Security Forces. In addition, it has received 50 administrative complaints which do not constitute a crime and which do not fall under the jurisdiction of the unit. In 541 cases, having completed its investigations, the unit dismissed all suspicion of an offence after concluding that there was insufficient evidence to support the allegation. All the complaints received by the unit were duly investigated, in accordance with the law and with the relevant international treaties and protocols.

80. Fifty-six cases involving 120 accused persons were referred to the competent courts. A further nine cases were referred to the Military Courts Department within the Ministry of the Interior for it to impose the appropriate disciplinary penalty against the accused.

81. In the cases in which the accused were found guilty, the sentences imposed ranged from 1 month to 7 years in prison.

82. Ever since it was established under Royal Order No. 13 of 2014, the Office of the Commissioner for the Rights of Prisoners and Detainees has been carrying out its legal duty to monitor prisons, detention centres, centres for the care of juveniles and detainees and other places in which people may be detained, such as psychiatric hospitals and clinics, to verify the conditions of detention and the treatment inmates receive and in order to ensure that they are not being subjected to torture or inhuman or degrading treatment.

83. Between April 2014 and May 2016, the Office of the Commissioner for the Rights of Prisoners and Detainees undertook 12 unannounced visits to prison facilities and remand and detention centres. In doing so, the Office of the Commissioner followed the same mechanisms as those used by similar international organizations such as Her Majesty's Inspectorate of Prisons in the United Kingdom, as shown in the following table:

Location	*Date of visit*
Dry Dock Pretrial Detention Centre	21–24 April 2014
Police Department of the Capital Governorate	24–25 December 2014
Police Department of the Muharraq Governorate/Al-Hadd Police Station	24–25 December 2014
Police Department of the Northern Governorate	24–25 December 2014
Police Department of the Southern Governorate	24–25 December 2014
General Directorate of Criminal Investigation and Forensic Evidence	24–25 December 2014
Juvenile Welfare Centre	18–20 January 2015
Reform and Rehabilitation Centre for Female Inmates	18–20 January 2015
Women's Custody and Pretrial Detention Centre	18–20 January 2015
Jau Reform and Rehabilitation Centre	15–22 November 2015
Deportation Centre for Foreign Males	24–25 May 2016
Shelter and Deportation Centre for Foreign Female Detainees	24–25 May 2016

84. The Office of the Ombudsman handles incidents that fall within its mandate. As of 18 March 2015, it had received 105 requests for assistance from families and relatives of inmates in Jau Prison including, inter alia, reassurance regarding conditions of detention and enquiries about services provided, such as visits and communications. A team of investigators was sent to Jau Prison where they met with inmates, listened to their statements and took note of their comments. A number of the inmates submitted complaints on various topics, and the Office of the Ombudsman dealt with those complaints in line

with its own mechanisms, also informing the competent bodies such as the Office of the Public Prosecution and the special investigation unit.

85. In verifying the requests for assistance submitted by families and relatives, the team met with 124 inmates (some of the requests for information concerned more than one inmate) listening to their statements and recording their comments. Fifteen inmates filed complaints with the Office of the Ombudsman concerning various topics, and the allegations they made were duly recorded. The Office addressed the complaints in accordance with its operating procedures. The complaints and requests for assistance were reflected in the statistics contained in the second annual report of the Office of the Ombudsman for 2014–2015.

86. The Office of the Public Prosecution received notification from the Reform and Rehabilitation Department that, on Tuesday 10 March 2015, inmates in some cells had been involved in a riot within the residential block. During its investigations, the Office of the Public Prosecution reported that some of the accused claimed to have suffered ill-treatment, and that it had received similar complaints via the Office of the Ombudsman. All these were referred to the special investigation unit, which is legally mandated to investigate such allegations.

87. As to the general measures taken to implement the recommendations of the Committee against Torture (CAT/C/BHR/CO/2-3), the Office of the Ombudsman has an independent budget and an independent administrative and staffing structure, and its jurisdiction, functions and mandate are clearly set forth in the decree by which it was established. As regards its effectiveness, since the Office officially began operations it has been receiving complaints from the general public by various means (not just through the internal complaints system) concerning inmates and remand prisoners. In fact, inmates and remand prisoners can submit a complaint directly themselves, by telephone or through relatives. The Ombudsman has also set up a special independent office within Jau Prison. Annual reports have been issued regularly and statistics show that, in the four years it has been operating, the Office of the Ombudsman has received 3,298 complaints and requests for assistance.

88. The independence of the Internal Investigation Department emerges clearly from the fact that it is directed and monitored by the Ombudsman, also as regards the distribution of work on complaints. The mandate and duties of the Department are clearly defined in Decree No. 27 of 2012 and, as to its effectiveness, in 2017 it dealt with 305 cases.

Liberty and security of person and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

89. As has already been explained, Bahrain has envisaged the existence of independent bodies to investigate allegations of arbitrary arrest and detention and to take legal action to ensure the protection of human rights and freedoms.

90. Article 19 (c) of the Constitution stipulates that no one may be detained or imprisoned in locations other than those designated in prison laws covering health and social protection, and under the supervision of the judiciary.

91. All arrested persons are informed immediately and as a matter of urgency of the reason for their arrest and the offence of which they are accused, in accordance with article 61 of the Code of Criminal Procedure. They must be presented before the Office of the Public Prosecution within 24 hours of being arrested.

92. Accused persons are not prohibited from contacting a person of their choice to assist them in handling their personal affairs. In addition, family members are permitted to visit them in the detention facility, and accused persons may grant power of attorney, issue authorizations and correspond with third parties in accordance with the Reform and Correctional Facilities Act and its implementing regulations, provided that such actions do not interfere with the collection of evidence or the conduct of the investigation. Thus, the civil rights of accused persons are fully protected during investigation and trial.

93. Under paragraphs 2 and 4 of section II of the Police Code of Conduct, promulgated by Decree No. 14 of 2012 of the Minister of the Interior, police officers are under an obligation to safeguard the health of the persons in their custody, and they have a duty to carry out their professional duties scrupulously while abiding by the Constitution and the law in all matters related to their work.

94. The Reform and Rehabilitation Department of the Ministry of the Interior is redoubling its efforts to prevent inmate overcrowding in prison facilities and to find alternative solutions as soon as possible. Nine new buildings are being erected, of which three have already been completed and six are nearing completion. In addition, a new 24-hour clinic has been set up.

95. The Reform and Rehabilitation Centre for Inmates has a round-the-clock clinic with all the departments necessary to meet inmates' needs and provide them with optimum health care. In addition, inmates can be sent to external hospitals such as the Military Hospital, the Salmaniya Medical Complex and the Psychiatric Hospital.

96. Water coolers have been fitted in all buildings that house inmates. Their distribution reflects the population density of each building.

97. The management of the Reform and Rehabilitation Centre for Inmates has taken a number of steps by, for example, reinforcing a culture of respect for human rights among staff who work at the Centre and organizing a number of seminars. In addition, the Centre is fitted with security cameras, and video recordings are archived to be examined in case of need. The aim is to ensure that no one who has committed a criminal offence may escape punishment.

98. Various monitoring bodies ascertain that staff in reform and rehabilitation institutes abide by those standards, as indicated in the response to paragraph 15 of the list of issues.

99. Under Act No. 18 of 2017 on Penalties and Alternative Measures, judges can replace certain sanctions involving deprivation of liberty with other penalties, as per the guidelines set forth in that Act.

Refugees and asylum seekers (arts. 6, 7 and 13)

100. There are no refugees in Bahrain, but treatment is offered to anyone in hospital emergency departments to ensure that high quality, organized, integrated, fair and sustainable health services are available for the entire population.

Access to justice and independence of the judiciary (arts. 2 and 14)

101. According to article 24 of the Judiciary Act "Judges shall be appointed by Royal Order on the basis of a proposal from the Supreme Council of the Judiciary." Promotion to a higher rank within the judiciary takes place by appointment from the rank immediately below. The Royal Order is merely a means by which people are appointed to engage in judicial activities and it does not affect the fact that judges are independent in the work they do. Indeed, under the Constitution, the judiciary enjoys full professional, financial and administrative independence.

102. As concerns the case of Ali Salman, on 10 January 2017, the convicted person filed a second appeal in cassation as a result of which the appeal court ruling was overturned and the original penalty handed down by the court of first instance was upheld: a term of imprisonment of 4 years. During both the investigation and the trial, all legally prescribed measures were followed and all the safeguards enshrined in law for suspects and accused persons were duly upheld: the right to make statements freely, the right to appoint a lawyer and to have the lawyer present during the various stages of investigation and trial, the right to examine the case file and to make requests and submissions, and the right to communicate with relatives and receive visits in prison.

Elimination of slavery and servitude (art. 8)

103. The Committee for the Assessment of the Status of Foreigners Who Are Victims of Trafficking in Persons undertakes the following tasks:

(a) It implements article 5 (7) of the present Act;

(b) It coordinates with the Ministry of Interior to repatriate victims to their place of origin in the country whose nationality they hold or to their place of residence in any other country, if requested;

(c) It makes recommendations as to whether victims should remain in Bahrain and have their legal status amended in order to allow them to work, then submits those recommendations to the Minister of the Interior for adoption; if adopted, the recommendations are subject to review by the same procedures every six months at the latest;

(d) It may examine all reports concerning victims and may take statements from the victims or their legal representatives.

104. Bahrain makes great efforts to combat discrimination in all its forms. Article 18 of the Constitution states: "People have equal human dignity and have the same public rights and duties before the law. There shall be no discrimination on grounds of gender, origin, language, religion, or belief."

105. Domestic labour legislation and other laws provide legal protection for migrant workers by regulating labour relations in line with the relevant international standards, and State bodies spare no efforts to monitor the implementation of established legal principles. At the same time, the inspection agencies of the Ministry of Labour and Social Development and the Labour Market Regulatory Authority seek to curb any malpractice or exploitation of migrant workers.

106. A number of support services are available for migrant workers who suffer arbitrary treatment at the hands of their employers. For example, there are mechanisms whereby individual complaints may be submitted to the Ministry of Labour with a view to reaching an amicable settlement. At the same time, migrant workers have the right to take direct legal action and are exempt from court fees at all stages of the process. In addition, Bahrain has set up call centres operating in various languages at the Labour Market Regulatory Authority, and the Authority has cooperated with States with accredited embassies in Bahrain to produce brochures in 14 different languages. The brochures explain migrant workers' rights and duties and are distributed to the workers as they arrive at the airport.

107. In a pioneering step for the region, domestic legislation envisages the right of migrant workers to transfer from one employer to another without the consent of the current employer, in accordance with regulations set forth in the law. Under that system, the transfer of more than 35,000 migrant workers from one employer to another was approved in 2015 and of more than 24,000 in 2016.

108. All workers, without discrimination on grounds of category or nationality, have the right to unemployment insurance as a protection against becoming destitute during a period of unemployment.

109. Regardless of their nationality migrant workers, like Bahraini workers, have the right to be represented collectively in trade unions and labour federations. They also have the right to strike in order to defend their legitimate interests and to time in which to pursue trade union activities. Unionists are entitled to protection from dismissal on the grounds of their activities.

110. A number of mechanisms are available for filing complaints and accessing the courts, be it via embassies, trade union organizations or civil society groups such as the National Institution for Human Rights, or directly via the Ministry of Labour and Social Development. The phenomenon of discrimination against migrant workers does not exist in the country and no embassy of a country of origin of migrant workers has raised any issue regarding the negative treatment or exploitation of migrant workers by employers.

111. Bahrain has a well-developed system for managing the labour market and regulating relations between employers and workers, a system based on partnership and transparency between actors in the production sector. It has taken a number of pioneering initiatives in the region to promote the rights and privileges of workers, in line with international labour standards, including the following:

(a) The Labour Market Regulatory Authority runs an online service that enables workers to view the status of their work permit through various electronic means. This helps to ensure that employers comply with the terms of their licences and gives the workers the possibility to report and complain about any illegal situation;

(b) A new flexible permit system has been in place since mid-July 2017, which allows migrant workers who work in unfair conditions to submit an application for a personal work permit, independent of their employer, in accordance with established regulations. This helps them to avoid exploitation and guarantees access to legal care and protection. The system will allow migrant workers to sign temporary employment contracts while enjoying all the privileges and rights envisaged under the Private Sector Labour Code, including freedom to move and change employer. The new system is expected to help regularize the status of a large number of irregular workers in Bahrain and to allow them to benefit from social security, unemployment insurance, health care and other national systems. A number of embassies of Asian countries of origin of migrant workers have praised the system and the privileges it accords to their citizens in Bahrain;

(c) A national referral system for victims of trafficking in persons has been launched. Its purpose is to strengthen measures to combat human trafficking and to regulate the role played by agencies and mechanisms and their approach to cases of trafficking or of suspected trafficking;

(d) A special unit has been established for the support and protection of migrant workers, which is the first comprehensive centre in the region to support and protect workers in line with international standards. It includes a shelter, which provides integrated services for migrant workers of both sexes who are being exploited by their employers and is equipped with a 24-hour contact number providing information in seven different languages. In 2016, more than 670 migrant workers of various nationalities made use of the services offered by the centre: they received various kinds of advisory and health services while, in addition, those who wished to stay in Bahrain and look for employment had their legal status regularized;

(e) The Labour Market Regulatory Authority has distributed free SIM cards to migrant workers in order to keep them constantly updated on the progress of their work permits and their legal status via text messages in their own language. The service was launched in 2014 and, by the end of 2016, a total of around 302,000 SIM cards had been distributed: 117,213 in 2016, 94,521 in 2015 and 90,572 in 2014;

(f) A guide has been printed in more than 200,000 copies and distributed to migrant workers. It gives detailed explanations about legal procedures in Bahrain and about mechanisms for submitting complaints and regularizing legal status. The guide has been printed in 13 languages including Arabic, English, Chinese, Indonesian, Filipino, Urdu, Hindi, Nepali, Thai, Bengali, Turkish, Malayalam and Sri Lankan.

112. A campaign for the rectification of irregular legal status has been launched, directed at both employers and foreign workers. The campaign envisages a grace period during which the competent authorities will not take any punitive measures against workers who are found to be in contravention of employment and residency conditions. The last such period ran for six months from July to December 2015 and led to the regularization of 51,000 workers, some of whom expressed a preference to remain in Bahrain and transfer to a new employer, others to return voluntarily to their country of origin.

113. The Private Sector Labour Code, Act No. 36 of 2012, which regulates relations between employers and workers in general, makes no distinction between a national worker and a migrant worker or between men and women. It also expressly prohibits employers from practising wage discrimination against their workers on grounds of gender, origin, language, religion or belief.

114. In the legal protection it confers, the Labour Code makes no distinction between foreign workers and citizens. Article 1 of the Code defines a worker as a natural person who works, in return for a wage, for and under the direction or supervision of an employer. Article 3 of the Code prohibits wage discrimination among workers by stating: "It is prohibited to practise wage discrimination on the sole grounds of a difference of gender, origin, language, religion or belief."

115. There are two forms of derogation from the Labour Code and they do not include derogation on grounds of nationality. They are derogation for government employees and derogation for legal persons who are in civil or military service or who are under a special legal regime that governs their professional relations. The derogation is restricted and does not cover all provisions of the Labour Code. It depends on the nature of the relationship between worker and employer and includes domestic work and other similar jobs such as gardeners, security guards, childminders, drivers and cooks all of whom carry out their work for their employer in person, or for his or her family. It also covers members of the employer's family whom he or she effectively maintains such as spouse, parents, children, etc.

116. The exclusion of domestic workers from the Labour Code does not extend to all its provisions, and they still enjoy protection under articles 6, 19, 20, 21, 37, 38, 40, 48, 49, 57, 116, 183 and 185, as well as under chapters 12 and 13 of the Code. In addition, foreign workers in Bahrain, including domestic workers, are legally protected if they are victims of human trafficking, in accordance with Act No. 1 of 2008 on combating trafficking in persons. Under articles 2 and 3 of the Act, offenders are obliged to pay for foreign victims to return to their country of origin. Furthermore, such persons enjoy certain guarantees during the investigation and the trial such as being informed of their legal rights in a language they understand and, in case of need, being placed in a special shelter or rehabilitation centre or with an organization authorized to provide lodging. Additionally, if the victim is a foreigner and in need of work, the head of the Committee for the Assessment of the Status of Foreigners Who Are Victims of Trafficking in Persons becomes involved in order to help surmount any obstacles that may be encountered in that regard.

Freedom of movement (art. 12)

117. Travel bans are dependent on pending criminal or civil cases. Travel bans may be issued under the following legislation:

(a) Article 159 of the Code of Criminal Procedure, which allows the Attorney-General or the competent court, upon the release of a person accused of a major or serious offence that attracts a prison sentence, to issue an order placing that person on a travel ban list;

(b) Article 31 of Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism, which allows the Public Prosecutor, when serious evidence exists that an offence has been committed under the Act, to issue an order preventing a suspect from travelling while the investigation is ongoing;

(c) Article 178 of the Civil and Commercial Procedure Code, which allows a plaintiff to request a court order to prevent a defendant from travelling, if there are serious concerns that the latter might attempt to flee.

118. There were cases in which travel bans were issued in 2016, 2017 and 2018. In those cases the legal requirements of article 159 of the Code of Criminal Procedure were fulfilled and thus the courts and the Office of the Public Prosecution were authorized to order the imposition of a travel ban on an accused person who had been released when they considered that such action was in the interests of the investigation.

119. Travel bans are imposed in accordance with decisions issued by the competent authorities on the grounds set forth in the aforementioned laws, which follow the same rationale as article 12 of the International Covenant on Civil and Political Rights. Persons subject to a travel ban may appeal to the competent authorities, in accordance with legal procedures.

120. Those laws are consistent with article 12 of the International Covenant on Civil and Political Rights, which states that freedom of movement and travel cannot be subject to any restrictions except those provided for by law and are necessary for protecting national security, or for the other reasons set forth in that article.

121. In response to reports that travel bans have been used to prevent travel by human rights activists, opposition figures and journalists, including preventing human rights activists from attending sessions of the Human Rights Council, it should be noted that the legal provisions governing travel bans are clear and explicit, regulated by the aforementioned rules and imposed as a consequence of infractions of the law.

Freedom of conscience and religious belief (arts. 2, 18 and 26)

122. The Constitution guarantees freedom of conscience and of religious belief, and no law or custom discriminates against any group or religion. The procedures and measures followed in that regard make no distinction between the customary practices of different religious groups, while laws, regulations and practices are all rooted in the constitutional principle of freedom, particularly with regard to religion, belief and doctrine. The law also envisages freedom to build places of worship and to access such places, without discrimination in favour of one group or one religion rather than another. There is no law to prevent anyone changing their religion and atheism has no legal consequences. The expression of contempt for religions or religious sites is prohibited, also without discrimination.

Freedom of opinion and expression, peaceful assembly and freedom of association (arts. 19, 21, 22, 25 and 26)

123. Articles 23, 27 and 28 of the Constitution of Bahrain enshrine the rights to freedom of opinion and of scientific research, to form associations and trade unions, and to hold private meetings, public meetings, processions and gatherings, in accordance with the provisions set forth in law.

124. An unlawful gathering took place in the area of Duraz, lasting for 11 months. During that time thoroughfares were blocked, the interests of the public were disrupted and their right to movement was hindered. In the end, the unlawful gathering was broken up using the measures envisaged for such circumstances. The participants were informed that the gathering had to be dissolved and that they had to disperse. Some of them complied while others remained. Among those who remained were certain masked individuals armed with incendiary devices, axes and metal clubs. They were again ordered to disperse and, after they failed to comply, the security forces were compelled to intervene. As a consequence of the resulting clashes, various officers and members of the police force sustained injuries. A number of arrested persons were questioned by the Office of the Public Prosecution, charged and referred to the courts.

125. Nabeel Rajab and Ghada Jamsheer were convicted and received sentences of deprivation of liberty. The former is currently serving his sentence; the latter has been released after completing the sentence of deprivation of liberty and the commutation of other penalties into alternative punishments. No information is available regarding a group by the name of the "Bahrain 13".

126. Freedom of opinion and expression is guaranteed across all the media. The only restrictions are those based on the professional and ethical precepts enshrined in the Constitution, the law, and local and international instruments applicable to the press and the media, which prohibit incitement to sectarianism or to religious, racial or denominational hatred, or rhetoric that threatens national security and public order, infringes the rights, reputation and dignity of others, or violates public morals or human rights principles. These constitutional rights are being promoted in the framework of a draft law on press and electronic media, and are monitored by the Supreme Authority for Information and Communication.

127. Al-Wefaq was dissolved by a definitive court ruling issued following a process in which safeguards relating to the right to conduct a defence were duly respected at every stage of the proceedings, in accordance with the Constitution and the law. Parties against whom a court ruling has been issued may lodge an appeal following the channels envisaged by the law.

Right to nationality (arts. 3, 16, 23, 24 and 26)

128. Article 17 of the Constitution of the Kingdom of Bahrain states: "Bahraini nationality shall be determined by law. A person entitled to Bahraini nationality may not be deprived thereof save in cases of high treason and other cases prescribed by law."

129. Articles 8, 9 and 10 of the 1963 Bahraini Nationality Act, as amended, define the circumstances in which Bahraini nationality may be withdrawn, lost or revoked.

130. Article 24 bis of Decree-Law No. 20 of 2014, which amends certain provisions of Act No. 58 of 2006 on the Protection of Society from Acts of Terrorism, states: "In addition to the prescribed penalty, a person convicted for offences under articles 5-9, 12 or 17 of the present Act shall also be liable to the revocation of nationality. A sentence of revocation of nationality shall only be implemented with the approval of the King." A sentence of revocation of nationality may be appealed before the judiciary, in accordance with legal procedures.

131. The Minister of the Interior issued Decree No. 89 of 2016 defining certain rules and procedures for the implementation of articles 8, 9 and 10 of the Bahraini Nationality Act. The Decree introduced a number of modifications to accommodate the current situation.

132. Article 5 of the Decree deals with the procedures surrounding the withdrawal, loss or revocation of Bahraini nationality. Most of the cases in which Bahraini nationality has been withdrawn, lost or revoked have involved persons who had a second foreign nationality in addition to their Bahraini citizenship.

133. The Nationality Department in the Ministry of the Interior deals with matters relating to citizenship, passports and residency. It receives requests for Bahraini nationality from the children of Bahraini women and foreign fathers. Their applications are entered into the Department's systems then examined and referred to the competent authorities for the completion of the citizenship procedures.

134. Article 1 of Act No. 35 of 2009 states: "The non-Bahraini wife of a Bahraini national and the children of a Bahraini woman married to a non-Bahraini man shall be treated on an equal footing with citizens in all matters pertaining to fees for government health and educational services and for residency, on condition that they are permanent residents in the Kingdom of Bahrain."

135. Article 5 of the Bahraini Nationality Act, as amended, includes provisions relating to children born in Bahrain to unknown parents. It states: "A person is considered to be Bahraini if born in Bahrain to unknown parents. Foundlings are considered to be Bahraini unless there is evidence to the contrary." In this way, Bahraini legislators have sought to combat the phenomenon of statelessness in accordance with the provisions of international treaties.

Rights of the child (arts. 7, 8, 9, 14 and 24)

136. Article 32 of the Criminal Code states: "A person under 15 years of age cannot be held responsible for the commission of an act that constitutes an offence. The provisions of the Juveniles Act are applied in respect of such a person."

137. With regard to allegations that juveniles have been detained with adult detainees, it should be noted that, in line with article 1 of Act No. 15 of 2014, the Juvenile Welfare Centre accepts young people between the ages of 7 and 15. Persons in the 15–18 age group are detained in separate facilities known as the Minors' Buildings belonging to the Reform and Rehabilitation Department.

138. Article 6 of the Juveniles Act No. 17 of 1976, as amended, stipulates the penalties that may be handed down against a juvenile. They may be "reprimanded, placed under supervision, enrolled in a vocational training course at an organization designated by the Minister of Labour and Social Development, assigned specific duties, placed on probation, placed in a governmental or private social welfare institution, or placed in a specialized hospital."

139. Article 42 of Act No. 37 of 2012 promulgating the Children's Code reads as follows: "The State shall ensure that children are protected in cases of ill-treatment or neglect." In addition, there is no requirement for an oral or written complaint to be filed in order to launch criminal proceedings for the ill-treatment or physical or sexual abuse of children, and in no case does the law allow a case relating to the ill-treatment of a child to be dropped.

140. The Ministry of Labour and Social Development has set up the Child Protection Centre, which provides evaluation, follow-up and shelter for children who have suffered ill-treatment.

141. Under article 46 of the Act, all persons who become aware that a child is being subjected to ill-treatment of any kind are obliged to inform the competent authorities.

142. Alternative care is regulated under Act No. 37 of 2012, article 24 of which states: "The fostering of children of unknown father or unknown parents, of orphans and of children in similar circumstances is to be regulated in accordance with the provisions of Decree-Law No. 22 of 2000 on Foster Care." Article 25 of the Act states: "The Ministry of Labour and Social Development shall establish an alternative care system with a view to providing social, psychological and health care to children whose particular circumstances prevent them from remaining with their natural families."

Right to participate in public life (arts. 25 and 26)

143. Article 1 (d) of the Constitution states: "The system of government in the Kingdom of Bahrain is democratic. Sovereignty resides with the people, who are the source of all authority, and is to be exercised in the manner set forth in the Constitution." For its part, article 1 (e) of the Constitution reads: "Citizens, both men and women, have the right to participate in public life. They enjoy political rights, including the right to vote and to stand for election, in accordance with the Constitution and the conditions set forth in law. No citizen may be deprived of the right to vote or to stand for election save by law." The fact that citizens' rights feature in article 1 of the Constitution, which concerns the formation of the State, is an expression of the importance the authors of the Constitution accorded to the right of citizens to participate in public affairs. Indeed, citizens are the root of sovereignty and the source of all authority. Making the right to participate in public life part of the Constitution protects it on a par with all the other rights and freedoms enshrined therein. In addition, the restrictions and rules necessary for the protection of the right to participate in public life are not left to the law, and the Constitution itself does not allow any citizen to be deprived of the right to vote and to stand for election save by law.

144. Article 10 of Decree-Law No. 15 of 2002 concerning the Consultative Council and the Council of Representatives states: "The Council of Representatives shall have a term of four years from the date of its first meeting. Elections for a new Council shall take place during the last four months of that period, with due consideration for article 64 of the Constitution. Persons whose term of office has expired may be re-elected."

145. Elections are closely supervised and monitored. Article 7 of Decree No. 14 of 2002 on the Exercise of Political Rights, states: "By decree of the Minister of Justice and Islamic Affairs, a committee shall be established in each electoral district. The committee shall be chaired by a judicial official and shall have two members, one of whom shall act as secretary. That committee shall be responsible for drawing up voter lists, accepting requests for candidacy, preparing candidate rosters, examining applications and objections relating to any procedure or decision in that regard and, more generally, acting within its mandate to oversee the integrity of the election of members of the Council of Representatives."

146. With regard to altering the boundaries of constituencies, article 17 of the Exercise of Political Rights Act states that, in implementation of the provisions of the Act, Bahrain is to be divided into electoral districts, each including a number of constituencies. A single member is to be elected for each constituency.

147. A decree is issued designating and setting the boundaries of electoral districts and constituencies, as well as the number of subcommittees required to conduct the vote and the count.

148. The constituencies were designated and demarcated on the basis of constitutional, legal and technical considerations, and in the light of a variety of different principles and theories that are customarily reflected in constituencies across many electoral systems. These are related to population density, but also reflect other standards such as proportional population increase, urban development, commercial and economic growth, interdependent social and cultural factors, the political element (i.e., State sovereignty) and the need to ensure participation according to the county's demographic, natural, geographical and political circumstances.

149. The Exercise of Political Rights Act does not prohibit religious figures from participating in public life. This is evidenced by the fact that certain religious figures have, in fact, become members of one or other of the houses of parliament, both by election and by appointment.

150. Article 2 of Royal Order No. 59 of 2014, which specifies the rules for appointing members of the Consultative Council, states that the following factors shall be taken into consideration when selecting members of the Council:

(a) Representation of all groups in society, without discrimination on grounds of gender, origin, religion or belief;

(b) Appropriate representation of women;

(c) Representation of minorities;

(d) The aforementioned categories should have enough specialists in various fields, so as to enable them to integrate into the two chambers of the legislature.

151. It should be clear, then, that the criteria applied to appoint members of the Consultative Council have been designed to ensure that all segments of Bahraini society are justly and fairly represented.